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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

UNITED STATES OF AMERICA

CRIM. NO. 12-00119-01

VERSUS

JUDGE ROBERT G. JAMES

JOHNNIE TRAXLER

MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

Pending before the Court is a Motion for Reconsideration [Doc. No. 77] filed by Defendant Johnnie Traxler (“Traxler”). Traxler moves the Court to reconsider its Ruling and Order [Doc. Nos. 75 & 76] denying her Motion to Remain Free During Pendency of Appeal [Doc. No. 69]. The Government does not oppose the motion.

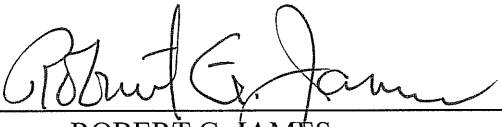
The Court hereby incorporates the facts, procedural history, and law stated in its previous Ruling [Doc. No. 75]. As previously stated, there is no evidence that Traxler would pose a flight risk or danger to her community. Rather, the Court denied Traxler’s motion based on her failure to present any argument or citation to show that her “appeal is not for the purposes of delay and raises a substantial question of law or fact likely to result in reversal.”

However, Traxler has now met this burden based on the issue raised in her previously filed Motion to Dismiss: whether the mailings in this case were sufficient to support a charge of mail fraud under 18 U.S.C. § 1341. If the appellate court finds that the mailings were not sufficient, then the Government would have to dismiss the charges against her. Accordingly,

IT IS ORDERED that Traxler’s Motion for Reconsideration [Doc. No. 77] is GRANTED. She is permitted to remain free during pendency of her appeal under the pre-trial conditions previously

imposed.

MONROE, LOUISIANA, this 28th day of June, 2013.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE